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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 KHI LIQUIDATION TRUST,

9 Plaintiff,

10 v.

11 SOUTHERN VEGAS VALLEY
12 CONTRACTING, LLC

13 Defendant.

CASE NO. 2:17-cv-298-JAD-GWF

**STIPULATION AND ORDER TO
CONTINUE HEARING ON
DEFENDANT'S EMERGENCY MOTION
TO VACATE ORDER FOR
EXAMINATION OF JUDGMENT
DEBTOR AND STAY PROCEEDINGS
[DKT. 6]**

FOURTH REQUEST

16 Judgment Creditor SMS Financial J, LLC ("SMS") by and through its counsel of record
17 Dylan T. Ciciliano, Esq. of the law firm Garman Turner Gordon, LLP, and SOUTHERN
18 VEGAS VALLEY CONTRACTING, LLC ("SVVC"), by and through its counsel of record Jack
19 Chen Min Juan, Esq. of the law firm Marquis Aurbach Coffing, hereby stipulate and agree as
20 follows:

21 On or about March 20, 2017, SVVC filed its Emergency Motion to Vacate Order for
22 Examination of Judgment Debtor and Stay Proceedings (the "Motion to Vacate"). [Dkt. 6]. By
23 minute order dated March 21, 2017, the Court set a hearing on the Motion to Vacate for April 3,
24 2017, and stayed the judgment debtor exam until the Court decides the Motion to Vacate. [Dkt.
25 7].

26 The judgment that is the subject of the Motion to Vacate is based on an Order Granting
27 Default Judgment ("Judgment") in favor of KHI Liquidation Trust against SVVC in the United
28 States Bankruptcy Court of the Northern District of Illinois Eastern District, *In re: Kimball Hill,*

1 *Inc.*, Case No. 08-10095, Adv. Proc. No. 10-00761 (the “Adversary Proceeding”), on or about
2 January 14, 2011. [*See generally* Dkt. 2]. KHI Liquidation Trust assigned the judgment to SMS
3 on April 29, 2016. [Dkt. 2-3].

4 Since the filing of the Motion to Vacate, SVVC and SMS engaged in settlement
5 discussions. SVVC and SMS continue to engage in settlement discussions. Previously, SVVC
6 searched its archives in an attempt to retrieve documents relevant to the underlying Adversary
7 Proceeding. SVVC identified documents it contends are relevant to its potential defense in the
8 Adversary Proceeding, and therefore relevant to the Motion to Vacate.

9 On May 17, 2017, SVVC provided the documents to SMS for its review, the day before
10 the third requested stipulation. [Dkt 14].

11 SMS has reviewed the documents in furtherance of a possible resolution of the Motion to
12 Vacate and is evaluating the legal position asserted by SVVC. Because SMS is an assignee, the
13 process is more time consuming than it otherwise would have been.

14 Accordingly, the parties stipulate and agree that the hearing on the Motion to Vacate
15 should be continued to July 31, 2017, subject to the Court’s availability, with any response to the
16 Motion to Vacate being due on July 24, 2017.

17 The parties further stipulate and agree that per the Court’s March 20, 2017, Minute Order
18 [dkt. 7], the judgment debtor exam should be stayed until such time that the Court decides the
19 Motion to Vacate.

20 Dated this 23rd day of June, 2017.

21 GARMAN TURNER GORDON

MARQUIS AURBACH COFFING

22 /s/ Dylan Ciciliano

/s/ Jack Chen Min Juan

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26 *Attorneys for Plaintiffs, SMS Financial J,*
27 *LLC*

Attorneys for Southern Vegas Valley
Contracting, LLC

ORDER

IT IS HEREBY ORDERED that the Emergency Motion to Vacate Order for Examination of Judgment Debtor and Stay Proceedings [Dkt. 6] is hereby rescheduled to be held on August 4, 2017, at the hour of 1:30 pm., to be held in LV Courtroom 3A before Magistrate Judge George Foley, Jr.

IT IS FURTHER ORDERED that the Judgment Debtor Exam is hereby stayed until such time that the Court decides the Emergency Motion to Vacate Order for Examination of Judgment Debtor and Stay Proceedings.

DATED June 26, 2017.


UNITED STATES MAGISTRATE JUDGE

4820-9120-0842, v. 1